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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO VENUE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ARNULFO LEON CRUZ and)
JOSE LOPEZ RAMIREZ,)
)
Defendants.)

No. CR 05 0561 PJH

**STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING
SENTENCING DATE**

The parties hereby stipulate that sentencing in this matter be continued from Wednesday, May 10, 2006, at 1:30PM, to Tuesday, June 7, 2006, at 1:30PM. The reasons for the stipulation for the continuance request are as follows:

The defendants have pleaded guilty to narcotics violations of 21 U.S.C. §§ 841(a)(1) and 846, and have admitted marijuana quantity allegations normally subjecting them to a mandatory minimum 10-year term of imprisonment. Under 18 U.S.C. § 3553(f), however, the defendants would not be subject to the 10-year mandatory minimum if a number of conditions are met. It appears from the PSR that the defendants have met all of those conditions save one: that the defendants truthfully provide to the United States “all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a

common scheme or plan.” § 3553(f)(5). The parties have scheduled a proffer session for May 9, 2006 during which it is expected that the defendants will provide information about this offense. Should the defendants successfully complete this requirement, both their Guidelines calculation and their potential sentences would be affected.

The parties agree that the sentencing of the defendants before these anticipated proffers occur would not be efficient. Accordingly, the parties agree that continuing the defendants’ sentencing date until the proffers occur is the best approach for the efficient administration of justice in this matter.

IT IS SO STIPULATED.

DATED: May 8, 2006

KEVIN V. RYAN
United States Attorney

/s
ROBERT DAVID REES
Assistant U.S. Attorney

DATED: May 9, 2006

/s
RANDY MONTESANO, ESQ.
Attorney for Defendant Arnulfo Leon Cruz

DATED: May 9, 2006

/s
STUART HANLON, ESQ.
Attorney for Defendant Jose Lopez Ramirez

IT IS SO ORDERED.

DATED: 5/10/06

